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ACTION DRL-09

INFO	LOG-00	AF-01	AMAD-01	ARA-01	CIAE-00	SMEC-00	OASY-00
	ANHR-01	EAP-01	EUR-01	OIGO-01	TEDE-00	INR-00	IO-16
	L-01	ADS-00	NEA-01	NSAE-00	OIC-02	OIG-04	SR-00
	SA-01	PRM-10	/051W				

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O 040231Z NOV 94
FM USMISSION USUN NEW YORK
TO AMEMBASSY KIGALI IMMEDIATE
SECSTATE WASHDC IMMEDIATE 0391
INFO AMEMBASSY THE HAGUE IMMEDIATE
AMEMBASSY DAR ES SALAAM
AMEMBASSY KINSHASA
AMEMBASSY BUJUMBURA
AMEMBASSY KAMPALA
JOINT STAFF WASHDC
SECDEF WASHDC
USCINCEUR VAIHINGEN GE
WHITEHOUSE WASHDC
UN SECURITY COUNCIL COLLECTIVE
AMEMBASSY NAIROBI
AMEMBASSY ADDIS ABABA
USMISSION GENEVA
AMEMBASSY BRUSSELS

C O N F I D E N T I A L USUN NEW YORK 004749

DEPT FOR G - LJOYCE; L - MMATHESON; AF - A/S MOOSE
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WHITEHOUSE PASS TO NSC FOR RICE AND STEINBERG;

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JOINT STAFF FOR CHAIRMAN, DIR JS, J3;
SECDEF FOR OSD/ISA

E.O.12356: DECL:OADR

TAGS: PHUM, PREL, PREF, AORC, RW, UN

SUBJECT: RWANDA WAR CRIMES TRIBUNAL - MEETING OF
CO-SPONSORS

1. (CONFIDENTIAL - ENTIRE TEXT.)

2. SUMMARY: AT A MEETING OF CO-SPONSORS (FRANCE, NEW ZEALAND, RUSSIA, SPAIN, US, UK) IT AGREED TO PRESS RESOLUTION TO A VOTE ON MONDAY IRRESPECTIVE OF RWANDAN POSITION AND THAT NO CHANGES WOULD BE MADE IN TEXT OF RESOLUTION OR STATUTE UNLESS RWANDA INDICATED ONE OR ANOTHER MINOR COSMETIC CHANGE WOULD ENABLE THEM TO VOTE YES ON THE RESOLUTION. IT ALSO AGREED THAT IDEA OF RWANDAN NON-PARTICIPATION SHOULD BE EXPLAINED TO AMB. MANZI. END SUMMARY.

3. USUN CONVENED MEETING OF CO-SPONSORS AM 11/3 TO EXCHANGE VIEWS ON SITUATION AND CONFIRM AGREEMENT OF CO-SPONSORS TO (A) TRY TO CONVINCE RWANDA TO VOTE IN FAVOR OR NOT PARTICIPATE AND (B) IN ANY EVENT TO VOTE ON THE RESOLUTION ON MONDAY NOVEMBER 7.

4. NEW ZEALAND URGED CONSIDERATION OF A NUMBER OF CHANGES TO THE RESOLUTION AND STATUTE WHICH THEY HOPED MIGHT HELP BRING RWANDA AROUND (COPY FAXED MATHESEN/L). CHANGES DEALT WITH DATE FOR COMMENCEMENT OF TEMPORAL
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JURISDICTION, NUMBER OF JUDGES, SEAT OF THE TRIBUNAL, ARTICLES 3 (CRIMES AGAINST HUMANITY) AND 4 (WAR CRIMES), ARTICLES 26 AND 27 ON IMPRISONMENT AND PARDONS.

5. NONE OF THE OTHER CO-SPONSORS FAVORED MAKING ANY CHANGES UNLESS RWANDANS INDICATED SOME COSMETIC CHANGES IN RESOLUTION ABOUT WILLINGNESS TO CONSIDER APPOINTING ADDITIONAL JUDGES OR NON-SUBSTANTIVE DRAFTING CHANGES IN ARTICLE 4 WOULD BE SUFFICIENT TO PRODUCE A YES VOTE. RUSSIANS AND FRENCH INDICATED THAT THEY WOULD CONSIDER

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SUCH A REDRAFT OF ARTICLE 4 BUT WOULD NOT COMMIT IN ADVANCE TO ACCEPTING SUCH A CHANGE. COMMENT: SUCH A CHANGE WOULD HAVE NO EFFECT ON SUBSTANTIVE JURISDICTION OF TRIBUNAL AND IF, AS SEEMS UNLIKELY, RWANDANS WERE TO INDICATE THIS CHANGE WOULD ENABLE THEM TO VOTE IN FAVOR WE ASSUME ALL THE CO-SPONSORS WOULD AGREE. END COMMENT.

6. IT WAS FURTHER AGREED AMONG THE CO-SPONSORS THAT WE WOULD ALL MEET WITH RWANDAN AMBASSADOR PM 11/4 TO INFORM HIM OF THE INTENTION TO HAVE THE RESOLUTION ACTED UPON BY THE COUNCIL ON 11/7 AND EXPRESS THE HOPE RWANDA WILL VOTE YES OR NOT PARTICIPATE IN THE DECISION.

7. IN THE MEETING OF CO-SPONSORS FRANCE AND RUSSIA TOOK LEAD IN URGING NO FURTHER CHANGES AND NO DELAY BEYOND MONDAY. US SUPPORTED THIS VIEW STRONGLY AS DID SPAIN. NEW ZEALAND CLEARLY WAS PREPARED TO CONTINUE BIDDING AGAINST OURSELVES WITH MINOR AND MEDIUM-SIZED CHANGES IN EFFORT TO MOLLIFY RWANDA BUT WENT ALONG WITH PREFERENCE OF REST OF CO-SPONSORS.

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8. OTHER NOTEWORTHY DEVELOPMENT WAS ARGENTINE DECISION IN RESPONSE TO SUGGESTION FROM AMB. ALBRIGHT TO JOIN AS CO-SPONSORS.

9. MINIMIZE CONSIDERED.

ALBRIGHT

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